

**Testimony of Arkansas Attorney General Dustin McDaniel**

**Before the House Judiciary Committee's Subcommittee on Crime, Terrorism and  
Homeland Security  
United States House of Representatives**

**Hearing on "H.R. 3546 to Reauthorize the Edward Byrne Memorial Justice  
Assistant Grant Program at Fiscal Year 2006 Levels through 2012"**

Thank you Chairman Scott, Congressman Gohmert, and members of the Committee for giving me the opportunity to be here today. My name is Dustin McDaniel, and I am the Attorney General for the State of Arkansas. I am here today on behalf of the National Association of Attorneys General (NAAG).

The National Association of Attorneys General is comprised of Attorneys General of the 50 states, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and the territories of American Samoa, Guam and the U.S. Virgin Islands. NAAG seeks to assist its members in responding effectively to emerging state and federal issues, and each of its individual members across the country strongly urges the reauthorization of the Edward Byrne Memorial Justice Assistant Grant Program ("Byrne/JAG"). In addition, the Attorneys General believe that fully funding the Byrne/JAG program is absolutely critical to state and local law enforcement's ability to maintain public safety, as is evidenced by a March 2008 letter to Congress from all 56 association members. Additionally, as a former police officer in my home state and as Arkansas's Attorney General, I personally support reauthorization and restoring adequate funding levels to this program. I have seen firsthand the good work done with the

resources the Byrne/JAG provides, as well as the void left in Arkansas by the dollars lost when funding was cut.

One of the reasons the Attorneys General believe that the Byrne/JAG funding is of paramount importance is that the vast majority of all crime prevention efforts occur at the state and local level. The Byrne/JAG funds a variety of important programs in every state and territory, including treatment interventions, police training, technology improvements, crime prevention programs, and crime victims' assistance programs. The Byrne/JAG funds are used to provide salaries and support to School Resource Officers, who prevent a substantial amount of school violence, have positive relationships with students and educators, and improve the reporting of school crimes that otherwise may go unreported to police. Also, the Byrne/JAG is critical for drug courts, law enforcement information sharing, gang prevention, and prisoner reentry programs.

With state budgets under increasing financial strain in the last few years, law enforcement has come to rely upon federal funding through the Byrne/JAG program to provide essential support and resources for fighting and preventing crime. For example, in Nevada, the Byrne/JAG funds The Southern Nevada Community Gang Task Force (SNCGTF), which is comprised of 25 local government agencies and private corporations and supports more than 10 drug task forces, some covering multiple jurisdictions, which are responsible for seizing over 25% of the state's illicit methamphetamine.<sup>1</sup> Last year,

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<sup>1</sup> Information provided by Michele Hamilton, Acting Administrator, Nevada Department of Public Safety, Office of Criminal Justice Assistance, December 28, 2007 .

the Byrne/JAG provided the means for the Iowa Drug Task Force to seize more than 3,300 pounds of drugs.

The Byrne/JAG has played a major role in supporting Arkansas's regional drug task forces; in fact, funding drug task forces is the primary use of our state's Byrne/JAG monies. For 2007-2008, the Arkansas Alcohol and Drug Abuse Coordinating Council approved 20 grants out of 35 applicants. The current grants include 19 drug task forces, coordinated by individual judicial districts' prosecuting attorneys that may cover multiple jurisdictions, and the cities of Searcy, Texarkana and Fayetteville. Like any multi-jurisdictional enterprise, there were growing pains felt in implementation of our task forces; however, state statutes and law enforcement techniques have evolved to make our task forces both efficient and effective. Tim Williamson, Prosecuting Attorney for both Polk and Montgomery counties, is only one of many local officials who relies upon the expertise and resources of these drug task forces. He told me the following:

Drug task forces serve as a force multiplier for rural law enforcement by enhancing basic operations using their investigative experience, collective drug intelligence between agencies in a locale, evidence processing, and other support services. Last year, nearly 70% of Arkansas's crime-lab drug submissions were submitted by our state drug task forces. The current multi-jurisdictional drug-task-force concept is more efficient fiscally and produces better arrest and prosecutions results than any other.

However, when funding for the Byrne/JAG was cut by 67% in FY 2008, law enforcement agencies across the country were forced to shut down multi-jurisdictional drug and gang task forces, lay off police and prosecutors, and cease to fund programs proven to assist drug-addicted citizens to again become productive members of society. For instance, the

Wisconsin District Attorneys Association projects that with the federal funding cuts, the state will lose 21 prosecutors, primarily located in the state's highest crime areas.<sup>2</sup>

Milwaukee County alone, the largest prosecutorial unit in Wisconsin, will lose 10 – 16 prosecutors or 10% of its entire prosecutorial staff.<sup>3</sup>

I believe that failing to reauthorize and fully fund the Byrne/JAG is a step in the wrong direction and will leave a void that can only be filled by those who wish to do our communities harm. In Arkansas, for example, if one compares drug task force related statistics from 2004, when the Byrne/JAG funding was at its highest, to 2007, when funding was at its lowest, the results are glaringly grim. Since 2004, Arkansas has experienced a 35% reduction in the number of cases filed by drug task forces and a 41% reduction in the number of arrests made by the drug task forces.<sup>4</sup> According to the Arkansas State Drug Director, Fran Flener, this trend is attributable to a severe reduction in the Byrne/JAG funding for personnel, leading to fewer investigators and fewer arrests.

With a weakened economy, failing to reauthorize and adequately fund the Byrne/JAG program will have significant and far-reaching consequences for our country. Drug-related arrests and drug-related crime continue to increase at an alarming rate. According to the Federal Bureau of Investigation's 2006 Uniform Crime Reporting Program, law enforcement made more arrests for drug abuse violations in 2006 than for any other

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<sup>2</sup> Press release by the Wisconsin Attorney General, J.B. Van Hollen, April 28, 2008, "Van Hollen Fights to Restore Crucial Crime Fighting Funding." Accessed at [http://www.doj.state.wi.us/news/2008/nr042808\\_AG.asp](http://www.doj.state.wi.us/news/2008/nr042808_AG.asp) on May 19, 2008..

<sup>3</sup> As cited by Milwaukee County Chief Deputy District Attorney Jon N. Reddin, May 16, 2008, in a telephone briefing with the National Association of Attorneys General.

<sup>4</sup> Arkansas Department of Finance and Administration, Office of Intergovernmental Services, State Drug Task Force Statistical Report, 2007, 2004.

offense.<sup>5</sup> Drug abuse violations accounted for more than 13% of all arrests in 2006.<sup>6</sup> Of primary concern for many states is methamphetamine manufacturing and distribution. In less than a decade, methamphetamine has grown from a problem limited to the Southwest and Pacific regions of the United States to a national epidemic, especially in rural America, where, not coincidentally, crime rates have not fallen on par with urban areas. Methamphetamine is Arkansas's primary drug of concern, as we continue to encounter an upsurge in local production, as well as the importation of methamphetamine produced in Mexico. Chris Harrison, chief illicit lab chemist of our state crime lab, has reported that statewide meth-lab seizures are already up for the year. From January through April of this year, officials seized 133 labs, compared to 118 in the same months of last year.<sup>7</sup>

While funding cuts to the Byrne/JAG have significantly impacted local law enforcement's ability to combat drugs within their own borders, it has also hampered a coordinated effort by law enforcement at all levels of government to seize drugs and prevent drug-related crime. Drug manufacturing and distribution is a global industry that requires an organized, multi-level response. The Byrne/JAG program is the single, sole source of funding for multi-jurisdictional drug task forces which enable federal, state and local law enforcement to collaborate effectively to address complex drug trafficking issues. These multi-jurisdictional drug task forces provide Drug Enforcement Agency-certified meth lab technicians, financial and background investigations, drug organization and

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<sup>5</sup> Federal Bureau of Investigation, Crime in the United States 2006, September 2007. Accessed at <http://www.fbi.gov/ucr/cius2006/index.html> on May 16, 2008.

<sup>6</sup> Ibid.

<sup>7</sup> Harrison, Chris. Personal Interview. 14 May 2005.

distribution analysis, centralized crime lab evidence submissions, telephone and Internet records analysis, and detailed supplemental and follow-up investigations.

It is of national imperative that we not only reauthorize the Byrne/JAG Program, but that we also fund it fully. Each year, the Byrne/JAG funds more than 4,000 police officers and prosecutors working on more than 750 drug task forces across hundreds of urban and rural counties and cities in all 50 states. This funding has led to more than 22,000 arrests, 54,000 weapons seized, 5.5 million grams of methamphetamine seized, and the breakup of almost 9,000 methamphetamine labs annually.<sup>8</sup> The successes of this program are clear, and I hope this committee and Congress will renew its commitment to preventing crime and protecting our communities by reauthorizing and adequately funding the Byrne/JAG program.

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<sup>8</sup> Harkin, Tom, et. al. "Letter to the Honorable Robert Byrd and the Honorable Thad Cochran." Published letter. March 26, 2008. Accessed at [http://landrieu.senate.gov/news/Byrne\\_Justice\\_Grant\\_letter.pdf](http://landrieu.senate.gov/news/Byrne_Justice_Grant_letter.pdf) on May 16, 2008.